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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,378

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Mark S. Secrist

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HEWLETT PACKARD COMPANY

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INTELLECTUAL PROPERTY ADMINISTRATION

FORT COLLINS, CO 80527-2400

EXAMINER

HASSAN, RASHEDUL

ART UNIT

PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/765,378

Applicant(s)

SECRIST ET AL.

Examiner

Rashedul Hassan

Art Unit

2109

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/27/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to because 501 of Fig. 5 contains a typo wherein "one or more or the web applications" should be changed to "one or more of the web application". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: the phrase "one or more or the web applications" in line 7 of [0027] should be changed to "one or more of the web application". Appropriate correction is required.

Claim Objections

Claim 5 is objected to because of the following informalities: the limitation "metal language" in line 3 of the instant claim should be changed to "meta language". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are directed to non-statutory subject matter.

Claim 1 is directed to a process. The process includes judicial exception in the form of an abstract idea (steps involving determination and selection) that is useful for practical applications when applied (one such application could be for creating and managing a portal application as disclosed). However, the steps in this instance are based on subjective determination and selection by a human being. As such, the claim

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fails to produce assured, repeatable result. Different individuals will determine and make selection differently based on knowledge, experience, ability and preference given the same situation resulting in different outcomes based on the claimed steps of the process. Lastly, the claim fails to use or apply the outcome of the determinations and selections to achieve any real-world result. Instead, the result is nothing more than a thought. It is noted that the claim sets forth an intended use for the outcome of the determinations and selections made in the recited steps (for managing a portal adaptation lifecycle), nevertheless fails to explicitly limit the claim to achieve the intended tangible result. Thus the claim is considered to be directed to non-statutory subject matter for failing to produce a concrete and tangible result under the meaning of 35 U.S.C 101.

Claims 2-5 are dependent from claim 1 wherein each of these claims further limits the individual steps recited in claim 1. However, such further limitations of individual steps do not change the fact that the method steps as recited in claim 1 taken as a whole, fail to produce a concrete and tangible real-world result. Claims 2-5 inherit the same shortcomings of claim 1 and therefore also considered to be directed to non-statutory subject matter for failing to produce a concrete and tangible result under the meaning of 35 U.S.C 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Anuff et al. (US 6,327,628) hereinafter Anuff.

For claims 1-5, 7-10, 12-15, 17-20 and 22-25, Anuff teaches using a portal server comprising:

determining a construction design for an adapted portal application wherein said

determining a construction design includes one or more of:

determining a visual theme of said adapted portal application (determining

a visual theme means determining the look and feel of the portal

application, column 2 lines 13-16, also subsection 8-8.6); and

determining a format of content for said adapted portal application

(content is formatted in a predetermined layout, Abstract and column 2

lines 1-3, also subsection "3.4 page layout");

determining a model for separation or presentation logic and application logic of

an existing Web application to be adapted into said portal application (Anuff

teaches that the views are the means by which the portal server isolates the presentation logic from the application logic, subsection 3.3.2);

determining a navigation construction for said adapted portal application wherein said determining a navigation construction includes:

retrieving selected information based on an event defined by uniform resource locator (URL) interaction in said Web application (Fig. 2 shows various URLs that are usable to retrieve selected information based on an event such as clicking a URL, also link 22 as mentioned in column 3 lines 52-54);

selecting a level of customization to apply to said adapted portal application wherein said selecting a level of customization comprises one or more of:

presenting an interactive window to obtain customization information from a user (buttons or links 24 in Fig. 2 are used to launch an interactive window that allow the user to personalize the portal, column 3 lines 52-57), wherein said obtained customization information is stored in a portal framework (LDAP directory or SQL database shown in Fig. 3, column 9 lines 30-34, also column 13 lines 25-30); and
retrieving existing login information related to said user for inclusion in content of said adapted portal application (column 9 lines 30-34, also column 13 lines 25-30); and

selecting an isolation model for isolating business logic from said adapted portal application wherein said selecting an isolation model comprises one or more of:

modifying said business model to return output as at least one data-descriptive meta language document (column 10 lines 52-62); and
creating a component to connect said adapted portal application to one or more Web services for providing said business logic to said adapted portal application (the server part of the portal server shown in Fig. 3, column 4 lines 16-33).

For claims 6,11 and 21, Anuff teaches adapting a web application to a portal application comprising:

adding at least one component of said Web application to a portal platform (Fig. 2 shows various components of a web application such as Search, Company Directory, News and Discussion Boards that are added to a portal platform);

creating a plurality of portlets within said portal platform, wherein each of said plurality includes pages representing a view for said at least one component of said Web application (each module displayed on the portal front page as shown in Fig. 2 is a portlet that contains pages representing a view for a particular network resource);

defining at least one Web flow relationship representing interactions between said at least one component of said Web application (defining at least one Web flow relationship is inherent in the reference since there has to be a defined Web flow relationship in order to show the appropriate page based on the user interaction at the portal, Fig. 2); and

converting said at least one Web flow relationship into at least one event, defined within said plurality of portlets, wherein said at least one event corresponds to said interactions (Anuff teaches implementing the defined Web flow relationship by converting it into user selection events such as selecting a link or button in order to display appropriate page based on the selection, Fig. 2).

For claim 16, Anuff further teaches displaying a second user interface to a user for updating the personal login information ("Edit Account" link in Fig. 2).


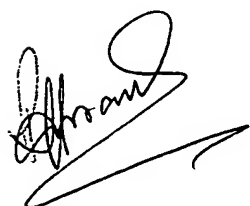
It is noted that claims 21-25 are constructed using the means plus function language thus invoking the rebuttable presumption that 35 U.S.C 112, sixth paragraph has been invoked.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-Th 7:30AM-5PM EST and Alt Fri 7:30AM-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on 571-272-9821. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JEFFREY STUCKER
SUPERVISORY PATENT EXAMINER